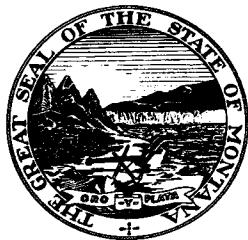


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Date: February 18, 2011

To: Members of the House Business and Labor Committee

From: Jim Murphy, Bureau Chief, Communicable Disease Bureau

Re: HB 443 Revise laws related to intrastate production, processing, consumption of food

The Department of Public Health and Human Services opposes HB443. We believe the present approach, adopting the current federal regulations for food manufacturers, works well for Montana's food manufacturers, regulators, and protects the consumer.

After review of the bill we have the following to offer:

- 1) Since current state regulations applying to food manufacturers are equivalent to federal regulations, Montana food producers can easily distribute their products across state lines.
- 2) If passed, this legislation will create two separate sets of regulations: one regulation for processors that use only Montana ingredients and produce and distribute their products intrastate; and second regulation for producers that use ingredients from out-of-state and/or distribute their products interstate.
- 3) DPHHS believes that two sets of regulations are unnecessary and may create confusion for regulators and manufacturers as well as limit potential distribution of Montana products.
- 4) Rules adopted by DPHHS would likely be equivalent with federal regulations to ensure public health and safety. Rules less stringent may increase the risk to public health.
- 5) The bill outlines penalties for state or federal regulators who may be asked to carry out enforcement activities. Such actions would be a felony punishable by fines and jail as well as opening the employee directly to lawsuits. This could potentially put regulators who may need to take immediate actions to protect the public health in jeopardy for doing the right thing.

DPHHS urges the committee to not pass HB443.